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Unilateral economic measures as a means of political and economic coercion against developing countries

Report of the Secretary-General*

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* The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/200 of 22 December 1999, entitled "Unilateral economic measures as a means of political and economic coercion against developing countries". In the resolution, the Assembly, inter alia, urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that were not authorized by relevant organs of the United Nations or were inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravened the basic principles of the multilateral trading system.

2. In the same resolution, the General Assembly requested the Secretary-General to continue to monitor the imposition of measures of that nature and to study the impact of such measures on the affected countries, including the impact on trade and development, and to report to the Assembly at its fifty-sixth session on the implementation of the resolution.

3. Accordingly, the Secretary-General, in a note verbale dated 15 June 2001, invited the Governments of all States to provide their views or any other relevant information on the issue. As at 1 October 2001, replies had been received from the following 13 States: Belarus, Cuba, Gambia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Malaysia, Mali, Myanmar, San Marino, Saudi Arabia, Senegal and Yemen. The text of the replies is reproduced in section II below.

II. Replies received from States

Belarus

[Original: Russian]
[28 August 2001]

1. At the fifty-fourth session of the General Assembly, the Republic of Belarus supported the adoption of resolution 54/200 of 22 December 1999, entitled "Unilateral economic measures as a means of political and economic coercion against developing countries".

2. In accordance with paragraph 2 of the resolution, our country is making steady and active efforts to prevent the use, in violation of decisions made by the relevant United Nations organs, of unilateral measures of economic and political coercion inconsistent with the norms of international law and the provisions of the Charter of the United Nations as a means of applying pressure on independent developing States.

3. Belarus has always respectfully observed the fundamental principles of the sovereign equality of States and non-interference in internal affairs, in accordance with the letter and the spirit of the Charter of the United Nations and the norms of international law, which it will continue to honour in the future.

Cuba

[Original: Spanish]
[28 August 2001]

1. Taking a position of principle based on the Charter of the United Nations, the Government of the Republic of Cuba vigorously and unequivocally condemns any imposition of unilateral coercive economic measures as a means of putting political and economic pressure on developing countries.

2. Economic sanctions and sanctions of all kinds have always been a tool of foreign policy of the United States of America. It will be recalled that already in the second decade of the last century, United States President Woodrow Wilson had stated that sanctions are a "peaceful, silent and deadly remedy" that no nation can resist.[1]

3. No other nation in the world imposes sanctions as blatantly as does the Government of the United States. It imposes them on the basis of such disparate and arbitrary criteria that any country may be struck by them, ranging from a country considered to be a disloyal business competitor to one which follows a voting pattern in the United Nations that is contrary to the particular interests of the United States.

4. To cite only one example, in the period between 1993 and 1996, 61 laws and executive orders authorizing unilateral economic sanctions for foreign

[1] Richard Garfield, *The Impact of Economic Sanctions on Health and Well-being* (London, Relief and Rehabilitation Network, November 1999).

policy purposes were adopted by the United States Government. Thirty-five countries, comprising 2.3 billion persons, representing 42 per cent of the world's population, were affected. The adoption of laws encouraging the use of unilateral coercive economic measures in order to achieve political objectives constitutes a flagrant violation of the rules of international law, particularly the principles, objectives and rules governing trade among nations. The Government of Cuba considers that such actions subvert the efforts being made to create an increasingly equitable, reliable, non-discriminatory, transparent and predictable system of trade.

5. The United States Government policy of maintaining an economic, commercial and financial embargo on Cuba for over 40 years qualifies as a crime of genocide against the Cuban people, because its goal is to break their resistance by inflicting indigence, scarcity, disease and hunger.

6. This policy of the United States has drawn increasing censure from the international community, because no State may use or encourage the use of such measures to coerce another State in order to make it subordinate the exercise of its sovereign rights or obtain from it advantages of some kind.

7. It is unacceptable that the United States Government has responded to the systematic and almost unanimous condemnation of the international community with total disdain, even going so far as to adopt further laws, measures and provisions meant to reinforce its policy.

8. Beyond the escalation represented by the legislation known as the Torricelli and the Helms-Burton acts, together with the additional measures adopted towards the end of 2000 as part of the Cuba blockade policy, the fact that a new Administration with recognized ties to the Miami terrorist groups has taken office has only increased the danger that the unilateral measures and the brutal war directed against the Cuban people will be intensified.

9. The international community cannot remain indifferent to the risk posed by the proliferation of unilateral coercive economic measures, especially extraterritorial ones, and it must therefore move quickly to take suitable action to put an end to such practices.

10. The Government of the Republic of Cuba joins the broad international condemnation that the legislation in question has aroused and is confident that once again the United Nations will fulfil its proper role to ensure compliance with the will and the decisions of the international community.

Gambia

[Original: English]
[10 August 2001]

The competent Gambian authorities are of the view that the United Nations has been entrusted with the responsibility of maintaining international peace. Therefore, unilateral actions outside of the remit of the United Nations should not be allowed. Thus the Gambia is opposed to the use of unilateral economic measures as a means of political and economic coercion against developing countries.

Iran (Islamic Republic of)

[Original: English]
[29 August 2001]

1. Historically, unilateral economic measures as a means of political and economic coercion against developing countries have been in contradiction with the spirit of the Charter of the United Nations which promotes solidarity, cooperation and friendly relations among countries and nations.

2. In the current conducive environment, such measures contravene all laws, principles and norms governing international relations in the field of global trade and directed towards the enhancement of extensive commercial and economic interactions among countries.

3. The use of unilateral measures as a means of political and economic coercion against developing countries has been condemned in decisions and resolutions of various bodies of the United Nations, particularly the General Assembly and the Economic and Social Council. The international community should become more vocal about the necessity of repealing such measures and preventing similar actions in the future.

4. Since resort to unilateral economic coercive measures jeopardizes the legitimate economic interests

of the targeted developing countries and while the United Nations system and other relevant international and multilateral organizations are redoubling their endeavours towards the creation and strengthening of a conducive international economic environment capable of providing equal opportunities for all countries to benefit from the international economic, financial and trading system, it is also necessary that the views of countries be sought about the possible measures to be taken by the international community to consider ways and means for possible compensation of targeted countries by those who resort to such unilateral measures.

Iraq

[Original: Arabic]
[24 July 2001]

1. The Republic of Iraq has always rejected the use, especially against developing countries, of economic measures as a means of political and economic coercion that seeks to deprive States of their full sovereign right to choose their own political, economic and social systems.

2. The use of such economic measures is in flagrant violation of the purposes and principles of the Charter of the United Nations and international law, and it constitutes a grave breach of the provisions of a large number of United Nations resolutions and relevant international conventions. The use of coercive measures as a means of political and economic compulsion, whether unilaterally or under the auspices of regional and international organizations, poses a genuine threat to international peace and security and is in manifest violation of human rights principles.

3. Experience has shown that the first victims of coercive economic measures, whether unilateral or collective, are the vulnerable groups in the population, particularly children, women and older persons. The experience of the comprehensive sanctions imposed on Iraq provides clear proof that such measures are in flagrant violation of basic human rights, public international law and international humanitarian law. These sanctions have brought about a humanitarian catastrophe in which more than 1.5 million Iraqis have died, and they have destroyed the infrastructure of the economy and of life in Iraq. Many international reports have described in detail the disastrous impact of the sanctions on Iraq; these include the reports of such United Nations specialized agencies as the United Nations Children's Fund (UNICEF) as well as those of non-governmental organizations operating in the field. We refer in this connection to the working paper of 21 June 2000 prepared by Mr. Marc Bossuyt for the Subcommission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2000/33). Its conclusions include the following:

> "59. The sanctions against Iraq are the most comprehensive, total sanctions that have ever been imposed on a country. The situation at present is extremely grave. The transportation, power and communication infrastructures were decimated during the Gulf war, and have not been rebuilt owing to the sanctions. The industrial sector is also in shambles and agricultural production has suffered greatly. But most alarming is the health crisis that has erupted since the imposition of the sanctions.
>
> " ...
>
> "63. As has been documented by United Nations agencies, NGOs, humanitarian and human rights organizations, researchers and political leaders, the sanctions upon Iraq have produced a humanitarian disaster comparable to the worst catastrophes of the past decades ...
>
> " ...
>
> "71. The sanctions regime against Iraq is unequivocally illegal under existing international humanitarian law and human rights law. Some would go as far as making a charge of genocide ...
>
> "72. The sanctions regime against Iraq has as its clear purpose the deliberate infliction on the Iraqi people of conditions of life ... calculated to bring about its physical destruction in whole or in part ..."

4. The report submitted to the Security Council on 30 March 1999 by Ambassador Celso L. N. Amorim (S/1999/356, annex II) presents a detailed picture of the catastrophic impact the sanctions have had on all aspects of life in Iraq. The effects have included a major decline in the country's gross domestic product and in per capita income; a sharp increase in mortality rates, especially among mothers and children; marked deterioration in infrastructure, especially in connection with the water supply, sewerage, electricity and

hospitals and health centres; a drop in school enrolment to 53 per cent and the consequent cultural and scientific impoverishment; and the destruction of the social fabric.

5. In its report of 5 August 1999,[2] UNICEF illustrates the extent of the catastrophe being experienced by the people of Iraq. The report states that the deaths of half a million Iraqi children under the age of five could have been avoided had the embargo not been imposed on Iraq. It indicates that infant and maternal mortality rates in Iraq have increased many times over in comparison with those prior to the imposition of sanctions. The report considers that mortality rates in Iraq today are among the highest in the world and that all the reasons for this, as described in the report, can be ascribed to the sanctions regime applied to Iraq.

6. It is enough to point out that the sanctions imposed on Iraq have led to the resignation of three United Nations officials. One of them declared:

> "We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral." (E/CN.4/Sub.2/2000/33, para. 68)

Another explained that he could no longer be associated with a programme that prolonged the sufferings of the people and which had no chance to meet even the basic needs of the civilian population (ibid.).

7. Despite the international community's condemnation of the use of coercive economic measures as a means of political and economic compulsion and despite the many resolutions of the United Nations General Assembly on this subject, this practice is nevertheless being maintained by certain States that endeavour to exercise hegemony, especially the United States of America. The latter has in recent years imposed sanctions on 75 countries, and the United States Administration persists in regarding economic sanctions as a basic instrument of American foreign policy. The United States has also used the Security Council as an instrument of its foreign policy and did so in imposing sanctions on Iraq, Libya, the Sudan, Yugoslavia and other countries. It should here be noted that the coercive economic measures used by the hegemonistic Powers, headed by the United States of America, are usually combined with the unilateral use of force against States, as in the case of the unilateral aggression against Libya, Cuba and the Sudan and the ongoing daily aggression against Iraq.

8. The destinies of peoples and their human rights are sacred, and they must not be transformed by certain world Powers into an instrument of political blackmail and economic subjugation. To permit such policies to continue would mean the destruction of the basic underpinnings of contemporary international relations and especially of the purposes of the United Nations as set forth in Article 1 of its Charter.

Libyan Arab Jamahiriya

[Original: Arabic]
[14 August 2001]

1. The United Nations and other organizations, whether of an international or regional character, have adopted an enormous number of resolutions condemning the use of unilateral coercive economic measures because of the great damage they do to the economies of the developing countries and their negative impact on international economic cooperation and on worldwide efforts to move towards a just and non-discriminatory trading system.

2. In its resolution 54/200, the General Assembly affirmed these positions when it "urge[d] the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that ... are inconsistent with the principles of international law ... and that contravene the basic principles of the multilateral trading system".

3. The Libyan Arab Jamahiriya once again welcomes the adoption of this resolution by the General Assembly. It does so in part because such a measure represents the latest in a series of international efforts to eliminate the phenomenon of certain States having recourse to coercive economic measures and to their use against many of the world's countries. In another respect, it does so because Libya is a country against which such measures have been maintained for more than a decade and a half. They were imposed when, in 1982, the President of the United States issued an Executive Order under which, inter alia, Libyan students were prevented from pursuing higher

[2] UNICEF, *Child and Maternal Mortality Survey 1999 — Preliminary Report: Iraq, July 1999.*

technical studies at American universities, the exportation to Libya of American machinery and technology, including oil-extraction equipment, was halted and Libyan assets in all American banks were frozen.

4. Despite international condemnation of the measures taken by it and maintained against the Libyan people for the past 15 years, the United States has refused to listen and has sought to ignore the appeals issued by the Movement of Non-Aligned Countries, the Group of 77, the Organization of African Unity and the Organization of the Islamic Conference, all of which have demanded an end to these practices. To make matters worse, the United States Government did the exact opposite when in 1996 the United States Congress adopted an Act (H.R. 3107) imposing sanctions on individuals and corporations of other countries that made investments in Libya that might strengthen the country's capacity to develop its oil resources.

5. Recently, the clearest confirmation that the United States remains committed to this Act has been the decision taken by the United States Administration on 3 August 2001 to extend the so-called D'Amato Act for another five years, a measure that clearly shows the full extent of its contempt for the will of the international community and for the demands of the overwhelming majority of the Members of the United Nations as expressed in General Assembly resolution 55/6 of 26 October 2000, in which the Assembly "express[ed] its deep concern at the negative impact of ... coercive economic measures ... because they are contrary to the recognized principles of international law" and "reiterate[d] its call for the repeal of unilateral extraterritorial laws that impose" sanctions "on corporations and nationals of other States".

6. The coercive measures taken by the United States have prevented the Libyan people from obtaining the technology necessary to advance its economic and social development, and the freezing of its assets has deprived it of resources that were to have been spent to raise its standard of living and enhance its welfare. It is not difficult to grasp the extent of the damage that would be done by the continued application of a law such as the D'Amato Act in a country such as Libya, where oil revenues are a basic requirement for the development of human and material resources. The Socialist People's Libyan Arab Jamahiriya therefore believes that the international community must adopt a serious and resolute stance against the enactment of any laws or the continued application of any measures that have extraterritorial effect. To the country that has adopted such measures and insists upon maintaining their application, the other countries of the world must respond with one voice that this is an egregious error that must be corrected. The country in question does not wield authority that is superior to the sovereignty of others, and the international community has not authorized it to manage the affairs of the world with its own domestic laws. Any hesitation on the part of the countries of the world in confronting this challenge and any failure to respond to it in a resolute and forceful manner will result in serious and irreparable damage to the international order and to the principles enshrined in the Charter of the United Nations.

Malaysia

[Original: English]
[30 August 2001]

1. With reference to General Assembly resolution 54/200, Malaysia wishes to reiterate its support for efforts towards eliminating the use of unilateral coercive economic measures against developing countries.

2. In this regard, Malaysia strongly opposes the continued existence of unilateral sanctions as a means of political and economic coercion enforced against developing countries such as Iran, Libya, Cuba and the Sudan through unilateral extraterritorial laws, in particular the D'Amato-Kennedy Act, the Helms-Burton Act and the proposed Sudan Peace Act. The application of such laws, which are intended to restrict the access of the targeted sovereign States and Members of the United Nations to markets, capital, technology and investment in order to exert pressure upon them to change their political and economic orientation is a flagrant violation of the principles of international law, the Charter of the United Nations and numerous other resolutions of the General Assembly. It undermines the principles of sovereign equality of Member States (as enshrined in Article 2 of the Charter), human rights and is discriminatory in nature. Furthermore, the extraterritorial application of such measures goes against the basic fabric of freedom of international trade and navigation.

3. Clearly, with globalization and the increasing interdependence and interaction among States, developed and developing, where global trade plays a pivotal role in relations among States, there is no justification for the existence of such coercive measures. In fact, it negates endeavours of the international community to improve the economies of developing countries, and in turn developed countries, through cooperation and mutually beneficial exchanges. Development efforts of these targeted developing countries as well as their developing trading partners are hampered as a result of restrictions arising from the coercive economic measures. An example is the problems faced by some Malaysian companies in the Sudan in the transfer of funds for operations and in sourcing building materials due to the unilateral sanctions imposed by the United States against Sudan.

4. The danger posed by coercive economic measures is far-reaching in terms of their humanitarian aspect. The initial victims are the vulnerable groups of the population of the targeted developing country, particularly children, women and senior citizens, as confirmed by the various reports of the United Nations agencies and missions. Populations are subjected to a further increase in poverty, shortage of food, poor health care due to reduction in imports of medicines and medical equipment, as well as lack of access to knowledge and the benefits of technological and scientific development. The Commission on Human Rights itself has stated that the application of unilateral coercive economic measures has an adverse effect on the social and humanitarian situation of developing countries.

5. Therefore, Malaysia urges the international community, as represented by the United Nations, to continue its efforts to end all forms of unilateral coercive economic measures against developing countries. Malaysia further calls upon all States to refrain from adopting or implementing extraterritorial or unilateral measures as a means of political and economic coercion against developing countries.

Mali

[Original: French]
[13 July 2001]

1. The Government of the Republic of Mali strongly condemns the use of unilateral economic measures as a means of political and economic coercion. The use of such measures constitutes a flagrant violation of the rules of international law, particularly those relating to freedom of trade and navigation.

2. The Government of the Republic of Mali is of the view that States must refrain from using unilateral economic measures. For this reason, the Government of the Republic of Mali believes that the international community should adopt urgent and effective measures to eliminate the use of unilateral economic measures against developing countries that are not authorized by relevant organs of the United Nations or are inconsistent with the principles of international law as set forth in the Charter of the United Nations and are contrary to the basic principles of the international trading system.

3. The Government of the Republic of Mali is opposed to the adoption of unilateral measures by any country in order to exert pressure on developing countries and with the aim of changing a political or economic situation which does not fall within its territorial jurisdiction. In this regard, it reaffirms that all States have the right to choose the political, economic and social system that they consider the most favourable for the welfare of their population in accordance with their national plans and policies.

Myanmar

[Original: English]
[3 August 2001]

1. The Government of the Union of Myanmar continues to maintain its consistent policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations and of scrupulous respect for and adherence to, among others, the principles of sovereign equality of States, non-intervention and non-interference in internal affairs, and freedom of trade and international navigation.

2. The Union of Myanmar is of the view that the promulgation and application by Member States of

laws and regulations the extraterritorial effects of which affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction as well as the freedom of trade and the freedom of navigation, violate the universally adopted principles of international law.

3. In conformity with the above, the Union of Myanmar has not adopted any laws or regulations or applied any unilateral coercive measures of the kind referred to in the preamble to General Assembly resolution 54/200.

San Marino

[Original: English]
[11 July 2001]

The Republic of San Marino has always and generally been against any imposition of any unilateral coercive measures, especially if taken without the authorization of any organ of the United Nations and not in compliance with the international laws.

Saudi Arabia

[Original: English]
[3 August 2001]

The Government of the Kingdom of Saudi Arabia does not approve of the use of unilateral economic measures as a means of political and economic coercion against developing States. Such measures have been proven ineffective. Furthermore, their use for political purposes is against international law and contrary to the spirit of cooperation among members of the world community represented by the United Nations. They also have a considerable negative effect on the economies of the targeted countries.

Senegal

[Original: French]
[10 July 2001]

At the present time, Senegal does not apply any unilateral economic measure as a means of political and economic coercion against any other country.

Yemen

[Original: Arabic]
[10 July 2001]

1. The Government of the Republic of Yemen reasserts its strong belief in the principles contained in the Charter of the United Nations and the principles of international law relating to national sovereignty, non-aggression, non-intervention in the internal affairs of States, mutual respect, peaceful coexistence and the settlement of disputes between States by peaceful means. In the light of these considerations and the purport of General Assembly resolution 54/200, in particular paragraph 2 thereof, it is incumbent on the members of the international community to abide by the principle that unilateral coercive economic and political measures against States contravene the principles of the multilateral trading system.

2. The Government of Yemen supports the efforts of the Secretary-General to create effective means of implementing General Assembly resolution 54/200, aimed at the adoption by the international community of effective measures to eliminate the use of unilateral economic measures as a means of economic and political coercion against developing countries.